

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2013 MAR 27 AM 10:15

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

ED SHOCKLEY

Plaintiff

vs.

L & E ENGINEERING COMPANY

Defendant

Cause No.:

1 : 13 -cv- 00516 SEB -DKL

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Plaintiff, by counsel, and as his Complaint for Damages against Defendant, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Ed Shockley, is a resident of Marion County in the State of Indiana and a former employee of Defendant.
2. Defendant, L & E Engineering Company, is an employer as defined by 42 U.S.C. § 2000e(b) and conducts business in the State of Indiana.
3. Mr. Shockley filed a Charge of Discrimination with the Equal Employment Opportunity Commission on or around November 16, 2012 alleging, *inter alia*, that Defendant had violated the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101 et seq.
5. The Equal Employment Opportunity Commission issued to Plaintiff its right to sue letter dated January 7, 2013.

5. Mr. Shockley invokes this Court's federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).

6. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

GENERAL FACTS & SPECIFIC ALLEGATIONS

7. Mr. Shockley was employed by Defendant as quality inspector since 2006.

8. Plaintiff suffers from a disability as defined by the Americans with Disabilities Act, specifically he is a recovering addict.

9. As a reasonable accommodation for his disability, Defendant allowed Plaintiff to attend weekly counseling sessions with the understanding that he would put in the necessary amount of hours.

10. On or about September 13, 2012, Defendant notified Plaintiff that it was changing its attendance policy effective immediately and that all time off must be approved by Defendant's human resource department.

11. Defendant notified the human resource department by email that he would be taking his paid time off in order to attend his counseling session.

12. Plaintiff went to his counseling session and was subsequently terminated, allegedly for job abandonment.

13. Defendant thereby, without warning, revoked, refused and/or failed to provide to Plaintiff the requested reasonable accommodation that it had provided in the past.

14. Plaintiff was able to perform the essential elements of his job with reasonable accommodation.

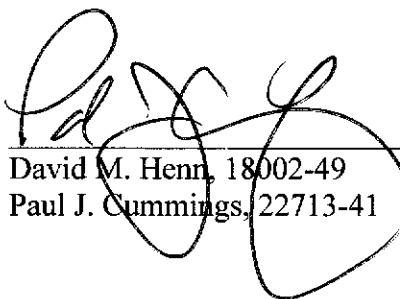
15. Defendant's decision to terminate Plaintiff was motivated by Plaintiff's disability and/or perceived disability.

16. As a result of Defendant violating Plaintiff's rights as protected under the Americans with Disabilities Act, Plaintiff sustained damages including, but not limited to, lost pay and benefits, mental and emotional anguish, attorney fees and costs.

WHEREFORE, Plaintiff prays for judgment against Defendant, for reinstatement, for an award of lost wages and benefits, compensatory damages, punitive damages, attorney fees and costs incurred herein, and for all other appropriate relief.

Respectfully submitted,

HENN LAW FIRM PC



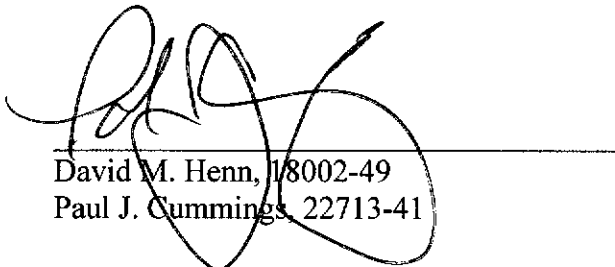
David M. Henn, 18002-49
Paul J. Cummings, 22713-41

REQUEST FOR JURY TRIAL

Plaintiff, by counsel, requests that this matter be tried by jury.

Respectfully submitted,

HENN LAW FIRM PC



David M. Henn, 18002-49
Paul J. Cummings, 22713-41

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